

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

Eitan D. Blanc, Esquire
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Counsel for DVL, Inc. and DVL Kearny Holdings, LLC

In Re:
CONGOLEUM CORPORATION,

Debtor.¹

Chapter 11

Case No. 20-18488 (MBK)

Hearing Date: August 13, 2020 at 10:00
A.M.

**NOTICE OF MOTION OF DVL, INC. AND DVL KEARNY HOLDINGS, LLC FOR
ENTRY OF AN ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY
PURSUANT TO SECTION 362 OF THE BANKRUPTCY CODE**

TO: Warren A. Usatine, Esq.
Felice R. Yudkin, Esq.
Rebecca W. Hollander, Esq.
Cole Schotz P.C.
25 Main Street
P.O. Box 800
Hackensack, New Jersey 07602-0800
Attorneys for Debtor

And

Congoleum Corporation
3500 Quakerbridge Road
Mercerville, NJ 08619

¹ The last four digits of the Debtor's federal tax identification number are 8678. The Debtor's corporate headquarters is located at 3500 Quakerbridge Road, Mercerville, New Jersey 08619.

And

Margaret McGee, Esq.
Jeffrey M. Sponder, Esq.
U.S. Dept. Of Justice- Office of U.S. Trustee
One Newark Center
1085 Raymond Blvd.
Ste. 21st Floor
Newark, NJ. 17102

And

Any other parties-in-interest

PLEASE TAKE NOTICE that DVL, Inc. and DVL Kearny Holdings, LLC (collectively “DVL”), by and through its undersigned counsel, will move before the Honorable Michael B. Kaplan on August 13, 2020 at 10:00 A.M. or as soon thereafter as counsel may be heard, at the United States Bankruptcy Court, United States Courthouse, Courtroom #8, 402 East State Street, Trenton, New Jersey 08608, for entry of an Order pursuant to section 362(d) of title 11 of the United States Code (the “Bankruptcy Code”) granting relief from the automatic stay in order to proceed against the Debtor in the matter of *DVL, Inc. and DVL Kearny Holdings, LLC v Congoleum Corporation and Bath Iron Works Corporation*, Case No. 2:17-cv-04261-KM-JBC (the “District Court Action”), which is currently pending in the United States District Court for the District of New Jersey (the “Motion”).

YOUR RIGHTS MAY BE AFFECTED. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one).

PLEASE TAKE FURTHER NOTICE that in support of the Motion the undersigned shall rely on the *Certification of Anthony R. Twardowski, Esq. in Support of the Motion of DVL, Inc. and DVL Kearny Holdings, LLC for Entry of an Order Granting Relief from the Automatic*

Stay Pursuant to Section 362 of the Bankruptcy Code as well as the Memorandum of Law in Support of the Motion of DVL, Inc. and DVL Kearny Holdings, LLC for Entry of an Order Granting Relief from the Automatic Stay Pursuant to Section 362 of the Bankruptcy Code. A proposed Order granting the relief requested in the Motion is also submitted herewith.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the relief requested in the Motion must be filed no later than August 6, 2020 and shall be (i) in writing, (ii) state with particularity the basis of the objection, and (iii) be filed with the Clerk of the Bankruptcy Court in accordance with LBR 9013-2.

PLEASE TAKE FURTHER NOTICE that unless an objection is timely filed and served, the Motion will be deemed uncontested and the relief may be granted without a hearing.

PLEASE TAKE FURTHER NOTICE that the undersigned requests oral argument on the return date of the Motion if objection(s) are timely presented.

July 22, 2020

Respectfully submitted,

**ZARWIN BAUM DeVITO KAPLAN
SCHAER & TODDY P.C.**

By: /s/ Eitan D. Blanc
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